

REMARKS

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 1-14 and 23, drawn to a modified PAI-1 molecule, method of making and using same;
- II. Claims 15-16, drawn to a method of treating or preventing cancer in a subject;
- III. Claims 17-18, drawn to a method of treating or preventing cardiovascular disease;
- IV. Claims 19-20, drawn to a method of treating or preventing a disease or disorder mediated by uPA; and
- V. Claims 21-22, drawn to a method of treating or preventing uPA-mediated fibrinolysis.

The Examiner contends that the inventions of Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1. In response, Applicants provisionally elect with traverse to prosecute the invention of Group I, *i.e.*, claims 1-14 and 23. Applicants reserve the right to prosecute the non-elected subject matter in one or more related applications.

The claims in Group II, Group III, Group IV and Group V are directed to the methods of using a modified PAI-1 molecule. Applicants submit that claims 1-14, and 23 of Group I, claims 15-16 of Group II, claims 17-18 of Group III, claims 19-20 of Group IV, and claims 21-22 of Group V, all relate to a single general inventive concept of a modified PAI-1 molecule. The requirement of Rule 13.1 is full-filled because there is a technical relationship among these groups of claimed inventions involving one or more special technical features, *i.e.*, a modified PAI-1 molecule.

Applicants further submit that dependent claims 15-22 of Groups II, III, IV and V include all the limitations of the independent claim 1 in Group I. Even assuming *arguendo* that Groups I, II, III, IV, and V represented distinct or independent inventions, Applicant submits that to search the subject matter of these Groups together would not be a serious burden on the Examiner.

The M.P.E.P. § 803 (Eighth Edition, Revision 2, May 2004) states:

If the search and examination of an entire application can be made without serious burden, the examiner 'must' examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, in view of this provision, even if for arguments sake, the subject matter of Groups I, II, III, IV and V are distinct inventions, the subject matter of these groups would necessarily be searched and examined in the search of the subject matter of the elected Group I and, therefore, would not be a "serious burden" on the Examiner.

For the reasons stated above, Applicants respectfully request that the restriction requirement under § 121 be modified such that Groups I, II, III, IV and V are combined and examined together.

Applicants further submit that under MPEP 821.04, Applicants request rejoinder of all withdrawn, non-elected method claims of Group II, III, IV and V upon notification of allowable product claims.

Applicants reserve the right to petition from the restriction requirement under 37 C.F.R. § 1.144. No fee is believed due for filing the present response. If any fees are owed in connection with the above-identified application, please charge any fees to Jones Day Deposit Account No. 503013. Applicants respectfully request that the above remarks be entered and made of record in the file history of the application.

Respectfully submitted,

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